

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1-39 (Previously cancelled)

40. (Currently amended) A food product server for holding and displaying food products, the product server comprising

- a front customer side,
- a rear employee side,
- a cabinet having a counter top surface defining a generally horizontal plane and a recess below said horizontal plane for receiving food serving pans for holding said food products, and
- a breath guard mounted for pivotal movement with respect to said cabinet between a lowered substantially horizontal position for covering said food products in said recess and a raised position in which the breath guard is configured to provide a barrier to contamination of the food products by customers on the customer side of the server while allowing access to said food products from the employee side of the breath guard;

said breath guard being sufficiently transparent to allow viewing of the food products held in the food product server;

- a first extensible and retractable power assist device biased toward a position for applying a lifting force to said breath guard to assist in moving it toward said raised position;

and

- a second extensible and retractable power assist device not biased toward a position but adapted for resisting movement of the breath guard from its raised position to its lowered position thereby providing controlled downward movement of the breath guard,

wherein said first and second power assist devices are mounted such that they are not lower than the breath guard when the breath guard is in its generally horizontal position and such that they do not extend down into said recess below said generally horizontal plane as the breath guard is moved between said raised and lowered positions.

41. (Previously presented) A food product server as set forth in claim 40 wherein the lifting force exerted by said first power assist device on said breath guard has a vertical component which increases as the breath guard is raised.

42. (Previously presented) A food product server as set forth in claim 40 wherein said product server comprises a frame mounted on the cabinet, said frame comprising a pair of upright side frame members extending up from the cabinet at opposite sides of the frame, said first power assist device having connections with said breath guard and said cabinet, and said second power assist device having connections with said breath guard and one of said upright side frame members.

43. (Currently amended) ~~A food product server as set forth in claim 40~~ A food product server for holding and displaying food products, the product server comprising  
a front customer side,  
a rear employee side,  
a cabinet having a counter top surface defining a generally horizontal plane and a recess below said horizontal plane for receiving food serving pans for holding said food products, and  
a breath guard mounted for pivotal movement with respect to said cabinet between a lowered substantially horizontal position for covering said food products in said recess and a raised

position in which the breath guard is configured to provide a barrier to contamination of the food products by customers on the customer side of the server while allowing access to said food products from the employee side of the breath guard;

said breath guard being sufficiently transparent to allow viewing of the food products held in the food product server;

a first extensible and retractable power assist device biased toward a position for applying a lifting force to said breath guard to assist in moving it toward said raised position; and

a second extensible and retractable power assist device not biased toward a position but adapted for resisting movement of the breath guard from its raised position to its lowered position thereby providing controlled downward movement of the breath guard,

wherein said first and second power assist devices are mounted such that they do not extend into said recess below said generally horizontal plane as the breath guard is moved between said raised and lowered positions; and

wherein said second power assist device is positioned toward the front customer side of the product server and comprises a cylinder having a connection with said upright side frame member and a rod having a connection with said breath guard, and the first power assist device is positioned between the second power assist device and the rear employee side of the product server and comprises a cylinder having a connection with said cabinet and a rod having a connection with said breath guard.

44. (Previously presented) A food product server as set forth in claim 43 wherein the first power assist device is a gas

spring and the second power assist device is a cylinder with a piston having a flow restricting hole therein.

45. (Previously presented) A food product server as set forth in claim 44 wherein said first power assist device is configured such that the breath guard has a self-rise angle between about ten degrees and about forty degrees from horizontal.

46. (Previously presented) A food product server as set forth in claim 40 wherein said breath guard is pivotable from its lowered position to an intermediate position by application of a manual lifting force and is pivotable from its intermediate position to its raised by position by a lifting force of the first power assist device.

47-49. (Previously cancelled)

50. (Previously presented) The product server as set forth in claim 40 further comprising an upper frame extending up from the cabinet near the front customer side of the product server, said upper frame comprising upright side frame members at opposite sides of the upper frame and a shelf spaced above said cabinet, and wherein said breath guard and said first and second power assist devices are disposed entirely below the elevation of the shelf when the breath guard is in said raised position.

51. (Previously cancelled)

52. (Currently amended) ~~The product server as set forth in claim 40~~ A food product server for holding and displaying food products, the product server comprising

a front customer side,  
a rear employee side,  
a cabinet having a counter top surface defining a generally  
horizontal plane and a recess below said horizontal plane for  
receiving food serving pans for holding said food products, and  
a breath guard mounted for pivotal movement with respect to  
said cabinet between a lowered substantially horizontal position  
for covering said food products in said recess and a raised  
position in which the breath guard is configured to provide a  
barrier to contamination of the food products by customers on  
the customer side of the server while allowing access to said  
food products from the employee side of the breath guard;

said breath guard being sufficiently transparent to allow  
viewing of the food products held in the food product server;

a first extensible and retractable power assist device  
biased toward a position for applying a lifting force to said  
breath guard to assist in moving it toward said raised position;  
and

a second extensible and retractable power assist device not  
biased toward a position but adapted for resisting movement of  
the breath guard from its raised position to its lowered  
position thereby providing controlled downward movement of the  
breath guard,

wherein said first and second power assist devices are  
mounted such that they do not extend into said recess below said  
generally horizontal plane as the breath guard is moved between  
said raised and lowered positions; and

further comprising a frame mounted on the cabinet, said  
frame comprising a pair of upright side frame members extending  
above the counter top surface and said generally horizontal  
plane at opposite sides of the recess,

wherein said second power assist device is positioned toward the front customer side of the product server and has a first connection with one of said upright side frame members and a second connection with said breath guard, and

wherein said first power assist device is positioned between the second power assist device and the rear employee side of the product server and has a connection with said breath guard closer to said employee side of the product server than said second connection of said second power assist device.

53. (Previously presented) A food product server for holding and displaying food products, the product server comprising

- a front customer side,
- a rear employee side,
- a cabinet having a recess for receiving said food products,

and

- a breath guard mounted for pivotal movement with respect to the cabinet between a lowered substantially horizontal position for covering the food products in said recess and a raised position in which the breath guard is configured to provide a barrier to contamination of the food products by customers on the customer side of the server while allowing access to said food products from the employee side of the breath guard;

- said breath guard being sufficiently transparent to allow viewing of the food products held in the food product server;

- a first extensible and retractable power assist device biased toward a position for applying a lifting force to said breath guard to assist in moving it toward said raised position;

and

- a second extensible and retractable power assist device not biased toward a position but adapted for resisting movement of

the breath guard from its raised position to its lowered position thereby providing controlled downward movement of the breath guard,

a frame mounted on the cabinet, said frame comprising a pair of upright side frame members extending above the cabinet at opposite sides of the recess,

wherein said second power assist device is positioned toward the front customer side of the product server and has a first connection with one of said upright side frame members and a second connection with said breath guard, and

wherein said first power assist device is positioned between the second power assist device and the rear employee side of the product server and has a connection with said breath guard closer to said employee side of the product server than said second connection of said second power assist device.

Please add the following new claims:

54. (New) The product server as set forth in claim 40 wherein said power assist devices are mounted such that they are higher than the breath guard when the breath guard is in said generally horizontal lowered position.

55. (New) The product server as set forth in claim 40 wherein said second power assist device is mounted such that the entire power assist device remains higher than the breath guard as the breath guard moves from its lowered position to its raised position.

56. (New) A food product server for holding and displaying food products, the product server comprising  
a front customer side,

a rear employee side,

a cabinet having a counter top surface defining a generally horizontal plane and a recess below said horizontal plane for receiving food serving pans for holding said food products, and

a breath guard mounted for pivotal movement with respect to said cabinet between a lowered substantially horizontal position for covering said food products in said recess and a raised position in which the breath guard is configured to provide a barrier to contamination of the food products by customers on the customer side of the server while allowing access to said food products from the employee side of the breath guard;

said breath guard being sufficiently transparent to allow viewing of the food products held in the food product server;

a first extensible and retractable power assist device biased toward a position for applying a lifting force to said breath guard to assist in moving it toward said raised position; and

a second extensible and retractable power assist device not biased toward a position but adapted for resisting movement of the breath guard from its raised position to its lowered position thereby providing controlled downward movement of the breath guard,

wherein said first and second power assist devices are mounted such that they do not extend below said horizontal plane of the counter top surface when the breath guard is in its generally horizontal position and such that they do not extend down into said recess below said generally horizontal plane as the breath guard is moved between said raised and lowered positions.